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Human Rights Treaty Bodies Under Treaties to Which the U.S. is a Party

POINTS TO MAKE

- The U.S. supports the work of the four committees connected with the five international human rights treaties or protocols to which the U.S. is a Party, the role of which includes monitoring and commenting on reports by States Parties on their implementation of the instruments.
- We will be presenting our national reports under the International Covenant on Civil and Political Rights and the Torture Convention at oral hearings in July and May respectively, and are preparing the periodic report on Race Discrimination and our initial reports on the two Optional Protocols to the Convention on the Rights of the Child.

BACKGROUND

The U.S. is a Party to five international human rights treaties or protocols that include implementation review bodies: the International Covenant on Civil and Political Rights; the Convention Against Torture; the Race Discrimination Convention; and the two Protocols to the Rights of the Child Convention - one on Child Soldiers, and the other on the Sale, Prostitution and Pornography related to Children. These treaties all create or recognize committees of experts that receive and consider periodic reports from States Parties on their compliance with the treaties. The committees may also hear individual complaints against States Parties if the states have agreed to submit to such procedures. The U.S. has not agreed to the individual complaints mechanisms under any human rights treaty. The committees may make recommendations but do not have binding authority.

The International Covenant on Civil and Political Rights (ICCPR). The ICCPR guarantees the range of rights covered generally in the U.S. by the Constitution and Bill of Rights. As such, it implicates a vast array of domestic constitutional, federal, and state law. State Department Legal Adviser John Bellinger will be leading a delegation from several agencies in July for a public hearing before the UN Human Rights Committee on our very lengthy implementation report covering 1994 through the present. We can expect criticism on controversial aspects of the War on Terrorism, including the Patriot Act and detention and surveillance issues, as well as capital punishment and treatment of racial and religious minorities and migrants.

The Convention Against Torture (CAT). The CAT prohibits torture and cruel, inhuman or degrading treatment or punishment, prohibitions that are covered by criminal law and the Bill of Rights. John Bellinger will be leading another large interagency delegation in May for a hearing on our implementation report. This session is likely to involve considerable tough questioning on U.S. detention and interrogation policies, as well as allegations of U.S. mistreatment of detainees at Guantanamo and other detention sites.

The Convention on Elimination of all Forms of Racial Discrimination (CERD). The CERD covers race discrimination as contained in the Constitution and civil rights laws in the U.S.

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Race discrimination is interpreted under the treaty to extend to discrimination based on color, descent, and national or ethnic origin. Although the U.S. has not agreed to submit to individual complaints brought under the Convention, the Race Discrimination Committee has recently issued a decision in a complaint against the U.S. brought by Western Shoshone Indians under its "Urgent Action" procedures. We believe that this action was taken outside the powers of the Committee, and will inform it of our views.

Optional Protocols to the Convention on the Rights of the Child. The U.S. is one of only two nations that are not a Party to the Rights of the Child Convention (the other is Somalia). The CRC has provisions considered inconsistent with our federal system of government and provisions of the law of the 50 states, such as state criminal justice systems. However, we are a Party to the two optional protocols.

The Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict. The Child Soldiers Protocol generally prohibits minors under age 18 from being drafted into the military or serving in combat. However, the U.S. is permitted to accept voluntary recruitment of 17 year-olds with the consent of their parents, provided that such recruits do not serve in combat until age 18.

The Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. The Protocol dealing with the exploitation of children prohibits the use and trafficking of children for pornographic, prostitution, organ donation, or forced labor purposes and requires states parties to cooperate in international efforts to suppress and prosecute such activities.

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